

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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ROBERT SMITH,

Plaintiff,

v.

Case No. 07-CV-10453-DT

BEN BERNANKE,

Defendant.

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**OPINION AND ORDER DENYING PLAINTIFF'S  
"PETITION FOR MOTION FOR RECONSIDERATION" AND  
DENYING AS MOOT PLAINTIFF'S "MOTION TO AMEND CASE"**

Pending before the court is Plaintiff Robert Smith's *pro se* "Petition for Motion for Reconsideration" and "Motion to Amend Case" both filed on May 8, 2007. Plaintiff requests reconsideration of the court's April 30, 2007 "Order Dismissing Complaint Pursuant to 28 U.S.C. § 1915(e)" and seeks to amend the caption of the case to add President George Bush as a defendant. For the reasons set forth below, Plaintiff's motions will be denied.

**I. STANDARD**

Plaintiff appears to bring his motion under Federal Rule of Civil Procedure 59(e). A district court maintains discretion when deciding a motion to amend a judgment under Rule 59(e). *Northland Ins. Co. v. Stewart Title Guar. Co.*, 327 F.3d 448, 454-55 (6th Cir. 2003). "Motions to alter or amend judgment may be granted if there is a clear error of law, newly discovered evidence, an intervening change in controlling law, or to

prevent manifest injustice.” *GenCorp, Inc. v. American Int’l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999) (citations omitted).

Additionally, Rule 7.1(g) of the Local Rules for the Eastern District of Michigan provides that a motion for reconsideration shall be granted only if the movant can (1) “demonstrate a palpable defect by which the court and the parties have been misled,” and (2) show that “correcting the defect will result in a different disposition of the case.” E.D. Mich. LR 7.1(g)(3). “A ‘palpable defect’ is ‘a defect that is obvious, clear, unmistakable, manifest, or plain.’” *United States v. Lockett*, 328 F. Supp. 2d 682, 684 (E.D. Mich. 2004) (citing *United States v. Cican*, 156 F. Supp. 2d 661, 668 (E.D. Mich. 2001)). A motion for reconsideration that presents “the same issues already ruled upon by the court, either expressly or by reasonable implication,” will not be granted. E.D. Mich. LR 7.1(g)(3); *Czajkowski v. Tindall & Assocs., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997).

## **II. DISCUSSION**

In his motion for reconsideration, Plaintiff primarily copies and pastes the allegations that he raises in his complaint. See Pl.’s Mot. at 1-4. Plaintiff then submits the following reasons why the court should grant his motion for reconsideration:

That the Plaintiff, as a result of the carelessness and negligent infliction of emotional distress, and constitutional rights being violated by the Honorable Ben Bernanke, and Scott G. Alvarez. [sic]

The Honorable Ben Bernanke, and Scott G. Alvarez are commandant [sic] by law to act. The Honorable Ben Bernanke, and Scott G. Alvarez, does [sic] not have sovereign immunity!!!!!!!!!!!!

Pl.’s Mot. at 5.

Plaintiff proffers no evidence of “a clear error of law, newly discovered evidence, an intervening change in controlling law, or . . . manifest injustice.” *GenCorp*, 178 F.3d at 834. Furthermore, Plaintiff fails to “demonstrate a palpable defect by which the court and the parties have been misled.” *Lockett*, 328 F. Supp. 2d at 684. Because Plaintiff’s motion merely presents argument that the court has already taken into account in making its decision, the court will deny Plaintiff’s motion. See E.D. Mich. LR 7.1(g)(3); *Czajkowski*, 967 F. Supp. at 952.

### **III. CONCLUSION**

IT IS ORDERED that Plaintiff’s “Petition for Motion for Reconsideration” [Dkt. # 11] is DENIED.

IT IS FURTHER ORDERED that Plaintiff’s “Motion to Amend Case” to add President George Bush as a defendant [Dkt. # 10] is DENIED as moot.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: May 15, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 15, 2007, by electronic and/or ordinary mail.

s/Lisa G. Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522